

Docket No.: P-3226.04 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dennis D. Elsberry

Group Art Unit: 3763

Application No.: 09/872,698

Examiner: J. Thissell

Filed: June 1, 2001

Due Date: March 3, 2003

For: Therapeutic Method for Treatment of Alzheimer's Disease

CERTIFICATE OF MAILING: I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box PGPub Drawings, Assistant Commissioner for Patents, Washington, D.C. 20231 on February 6, 2003.

Theresa Belland
Printed Name

[Signature]
Signature

TRANSMITTAL LETTER

Attn: Official Draftsperson
Box PGPub Drawings
Assistant Commissioner for Patents
Washington, D.C. 20231

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TECHNOLOGY CENTER R3700

Enclosed for filing in the above-identified application are the following:

- ☒ Transmittal Letter (in duplicate)
- ☒ Submission of Formal Drawings, including 7 sheets of Formal Drawings
 - ☒ The Commissioner is authorized to charge Deposit Account No. 13-2546 in the amount of \$130.00 for the Petition Fee
- ☒ Return Postcard
- ☒ Please charge any additional fees or credit any overpayments to Deposit Account No. 13-2546, which may have been overlooked with regard to this filing. A duplicate of this Transmittal Letter is enclosed.

Respectfully submitted,

[Signature]

Date: February 6, 2003

Stephen W. Bauer
Registration No. 32,192
Medtronic, Inc.
710 Medtronic Parkway NE, MS: LC340
Minneapolis, Minnesota 55432-5604
Telephone: (763) 505-0422
Facsimile: (763) 505-0411



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PATENT
Docket No.: P-3226.04US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dennis D. Elsberry Group Art Unit: 3763
Application No.: 09/872,698 Examiner: Jeremy Thissell
Filed: June 1, 2001
For: Therapeutic Method for Treatment of Alzheimer's Disease

1-#
17503
#17
Petition
withdrawal
A B P O

CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office at 703-308-6916 on October 10, 2003.

Theresa Belland

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Arlington, Virginia 22313-1450

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According to a Notice of Abandonment mailed June 19, 2003, the above-identified application became abandoned for purportedly failing to "timely file new formal drawings as required by the Notice of Allowability" mailed December 2, 2002. Applicant respectfully requests withdrawal of the Notice of Abandonment in view of the following remarks and supporting evidence.

10/17/2003 AMUNDRA1 00000037 132546 09872698

11 2003453 1330.00 DA

REMARKS

Applicant filed new formal drawings via the US Postal Service's first class mail service on February 6, 2003, as evidenced by Exhibit A attached hereto.

Applicant's Return Receipt Postcard was date stamped by the "OIPE" of the Patent and Trademark Office as being received on February 11, 2003. A copy of said postcard is attached hereto as Exhibit B.

In reviewing the submitted documents, Applicant notes that the drawings were inadvertently, and unintentionally, filed at "Box PGPub Drawings" rather than "Box Issue Fee". Due to this oversight, Applicant received a notice from the Publication Division stating that the

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"replacement drawings for application number 09/872,698 received on 2/11/03 by the U.S. Patent and Trademark Office will be included in the application file but will not be included for patent publication due to untimely submission". See Exhibit C attached hereto.

Applicant herewith resubmits the formal drawings and respectfully requests that this application be reinstated and an Issue Notification granted.

The Commissioner is authorized to charge \$1,300 for the Petition Fee to Deposit Account No. 13-2546. A duplicate copy of this Petition is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen W. Bauer", written over a horizontal line.

Date: October 10, 2003

Stephen W. Bauer
Registration No. 32,192
MEDTRONIC, INC.
710 Medtronic Parkway NE, MS: LC340
Minneapolis, MN 55432-5604
Telephone: 763-505-0422
Facsimile: 763-505-0411
Customer No.: 27581



PATENT
Docket No.: P-3226.04 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dennis D. Elsberry Group Art Unit: 3763
Application No.: 09/872,698 Examiner: J. Thissell
Filed: June 1, 2001 Due Date: March 3, 2003
For: Therapeutic Method for Treatment of Alzheimer's Disease

T-H
115-03
#181
Kumar
Drup

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Theresa Belland
Printed Name

Theresa Belland
Signature

SUBMISSION OF FORMAL DRAWINGS

Attn: Official Draftsperson
Box PGPub Drawings
Assistant Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

Submitted herewith are seven (7) sheets of formal drawings, containing Figures 1-9.

Please charge Deposit Account No. 13-2546 in the amount of \$130.00 for the petition fee for submitting these formal drawings.

Respectfully submitted,

Stephen W. Bauer

Date: February 6, 2003

Stephen W. Bauer
Registration No. 32,192
Medtronic, Inc.
710 Medtronic Parkway NE, MS: LC340
Minneapolis, Minnesota 55432-5604
Telephone: (763) 505-0422
Facsimile: (763) 505-0411



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1/7

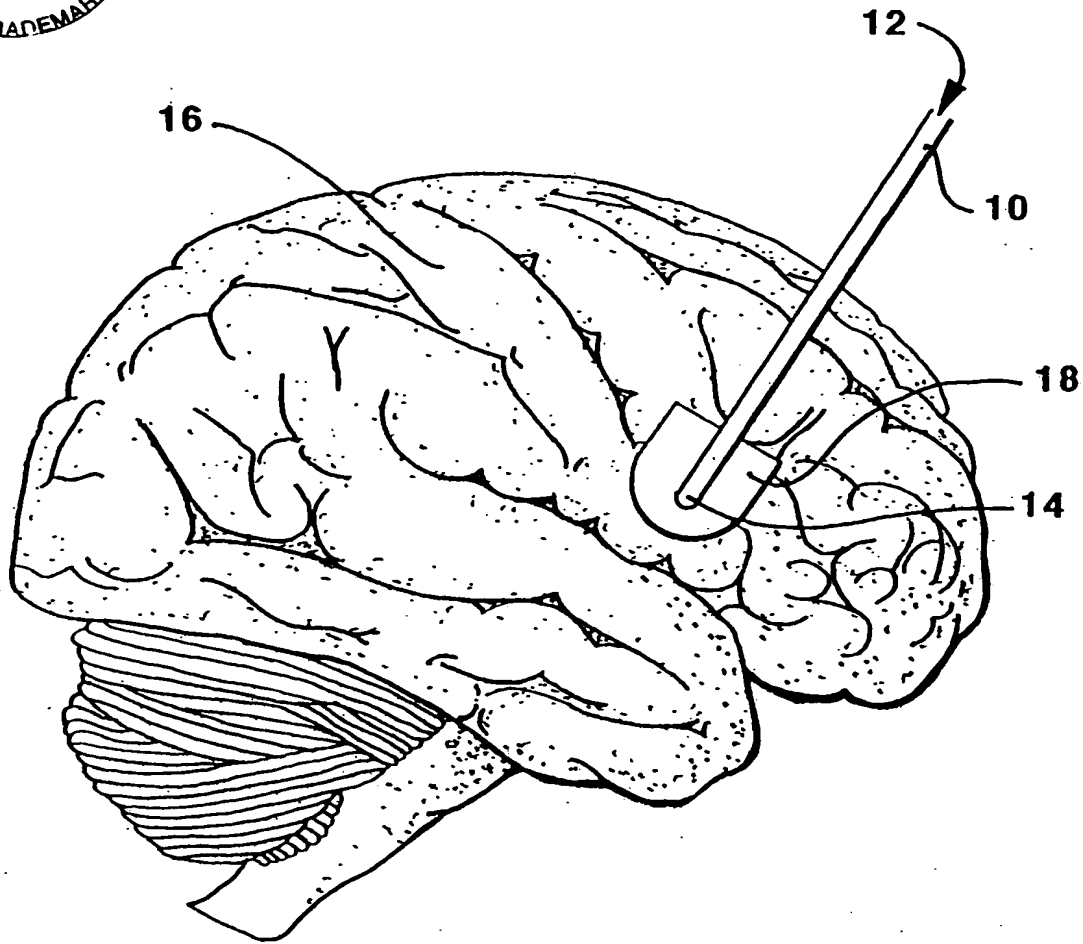


FIG. 1

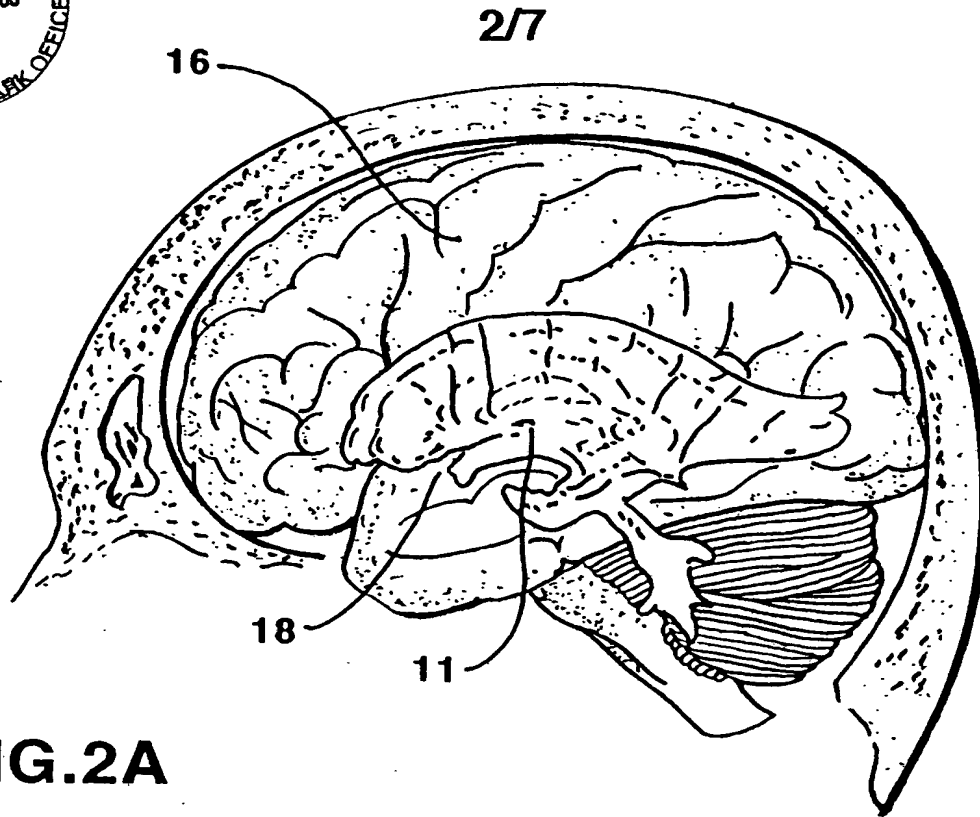


FIG. 2A

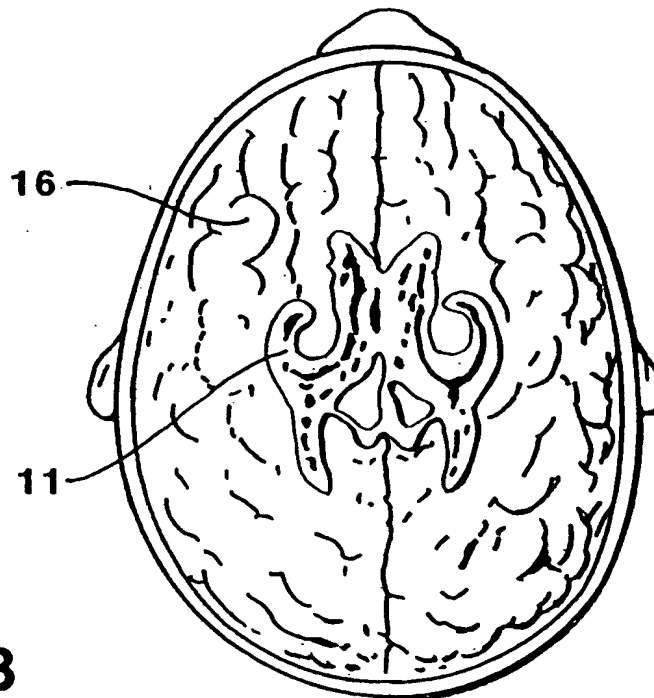


FIG. 2B

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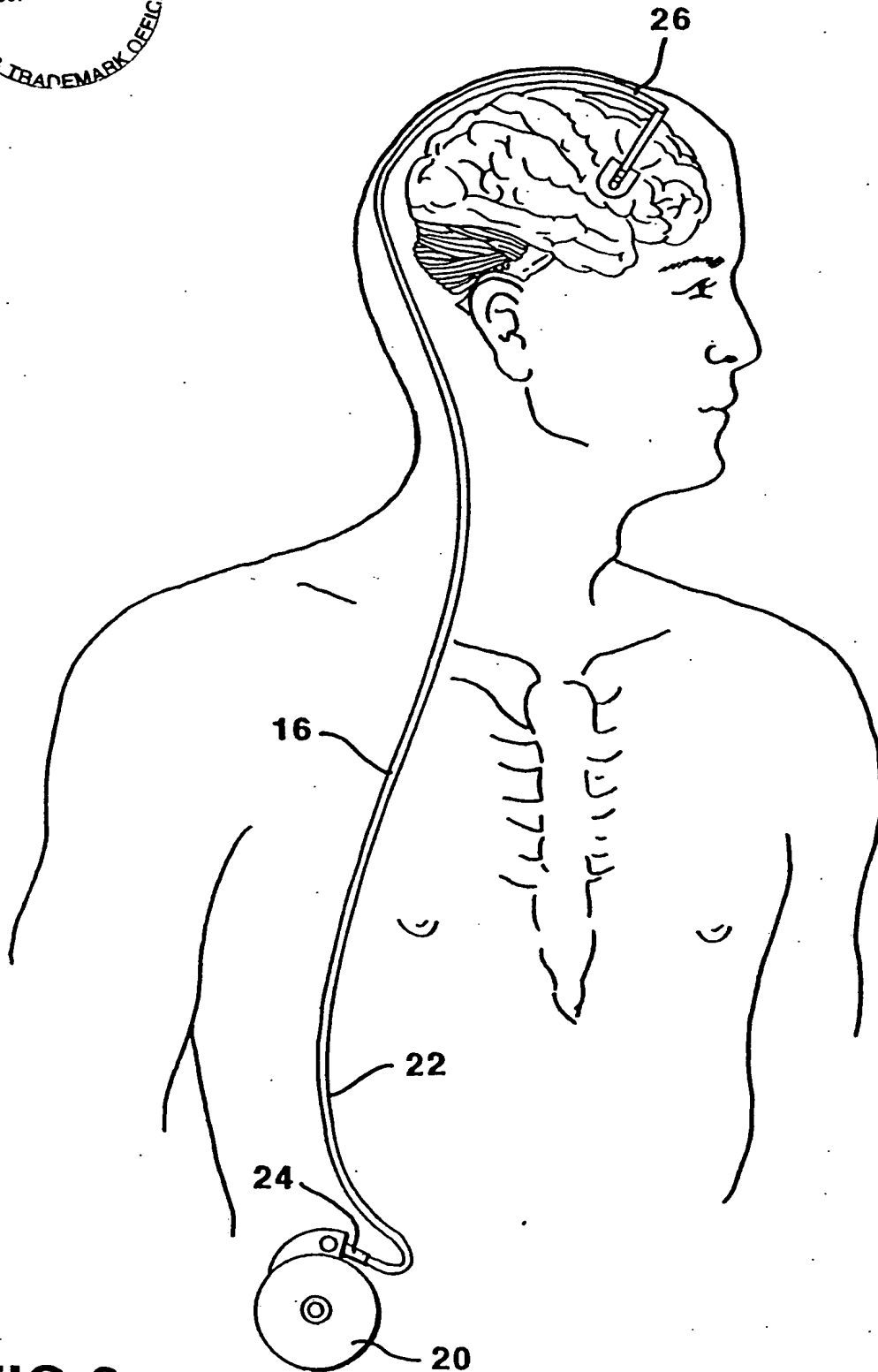


FIG.3

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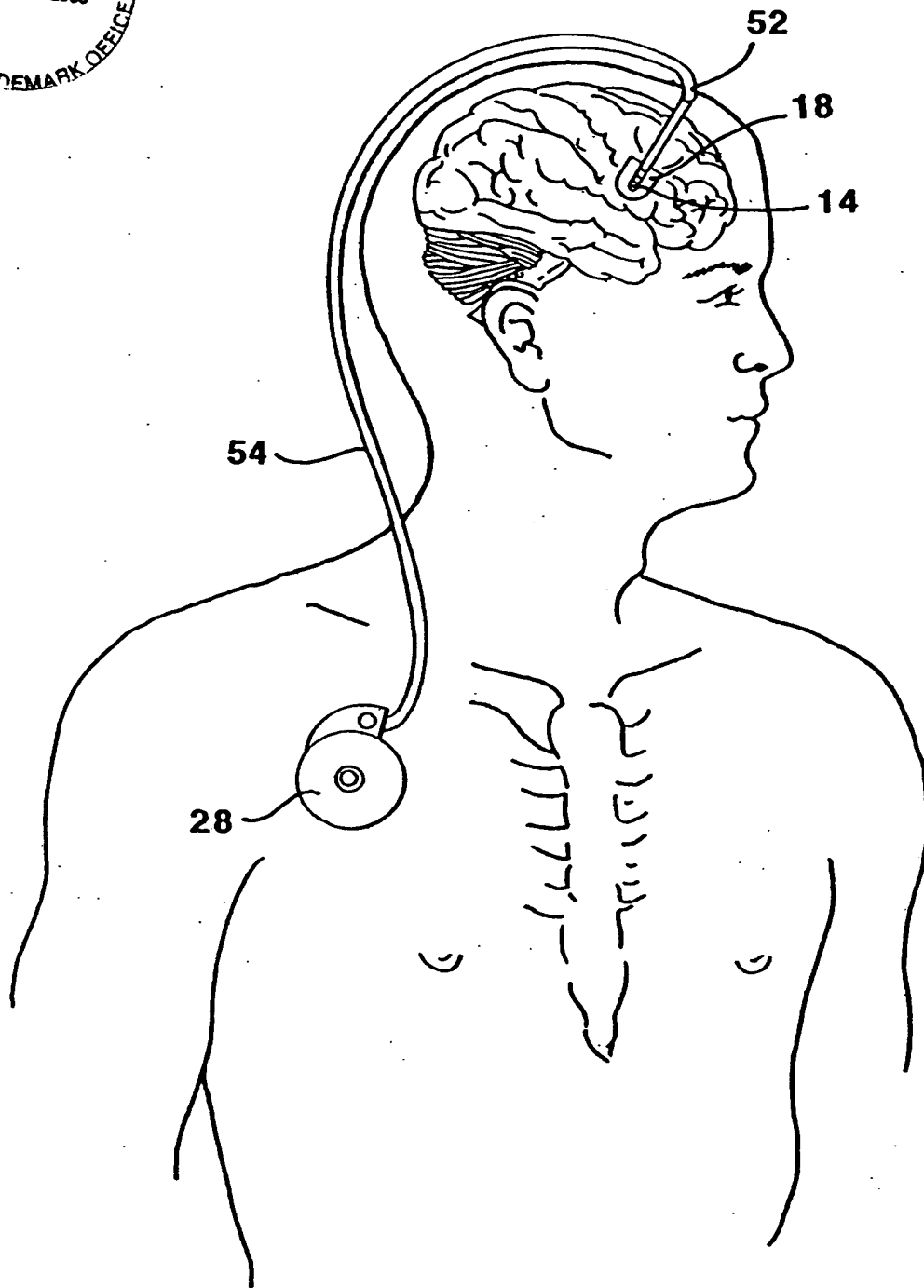


FIG. 4

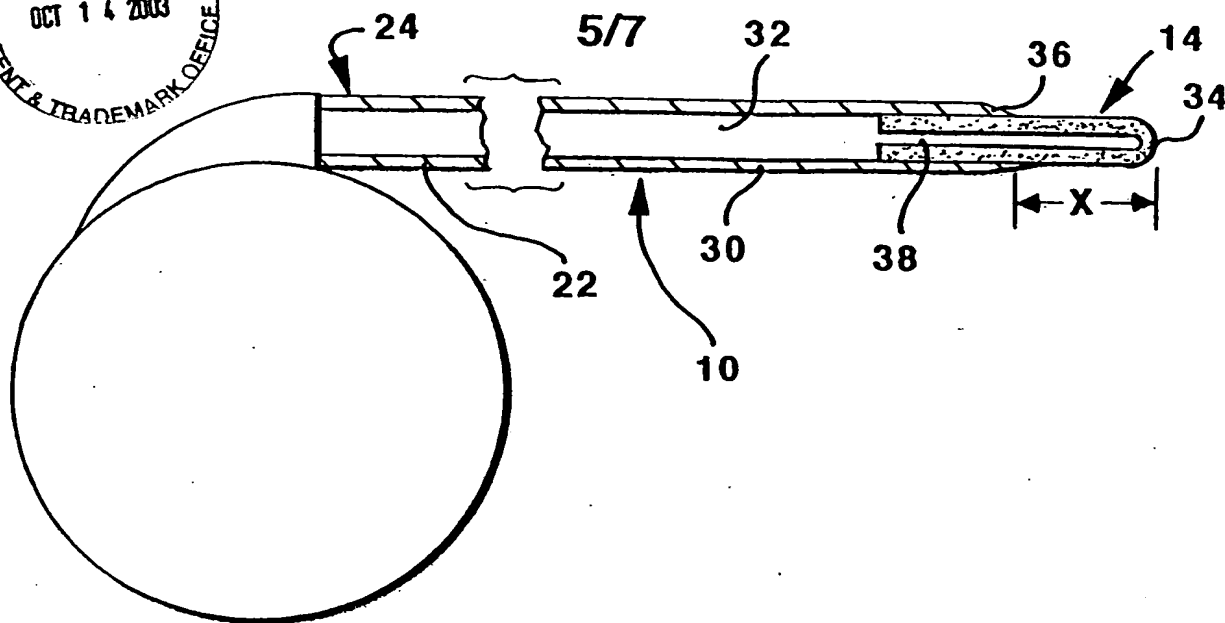


FIG. 5

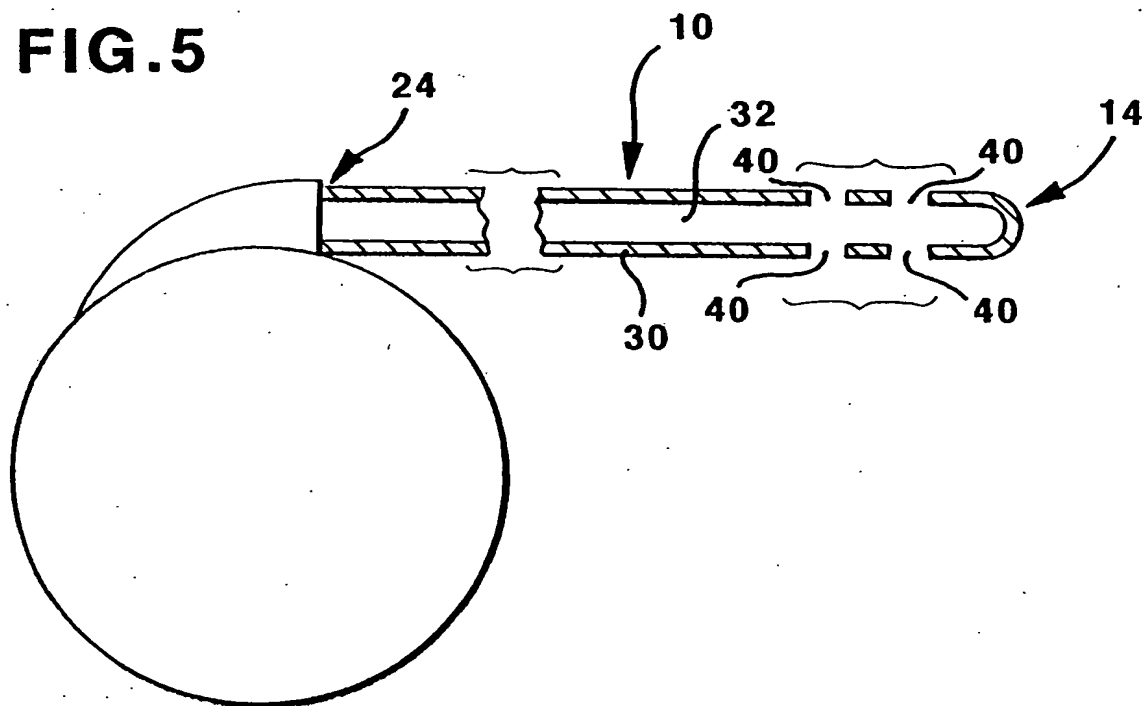


FIG. 6

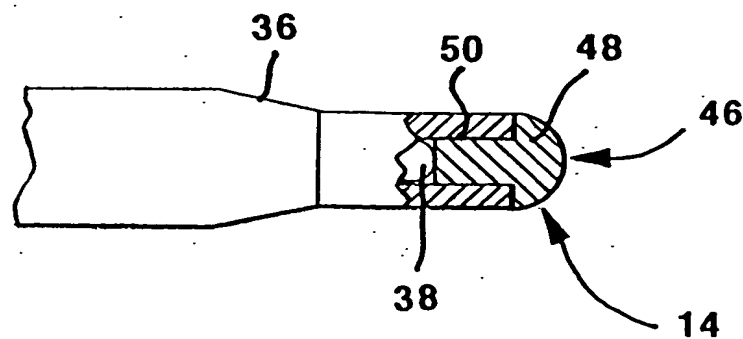


FIG. 7

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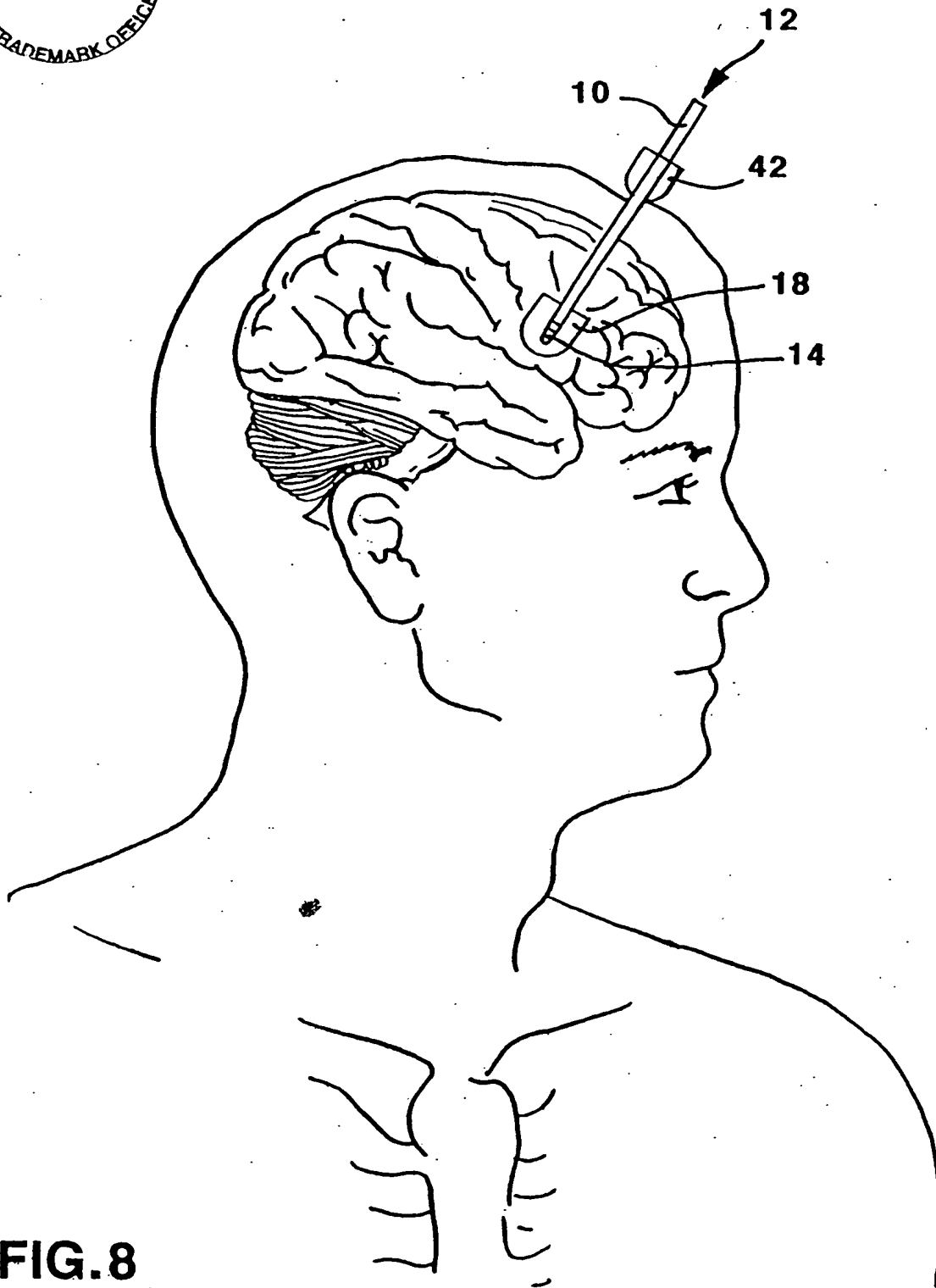


FIG. 8

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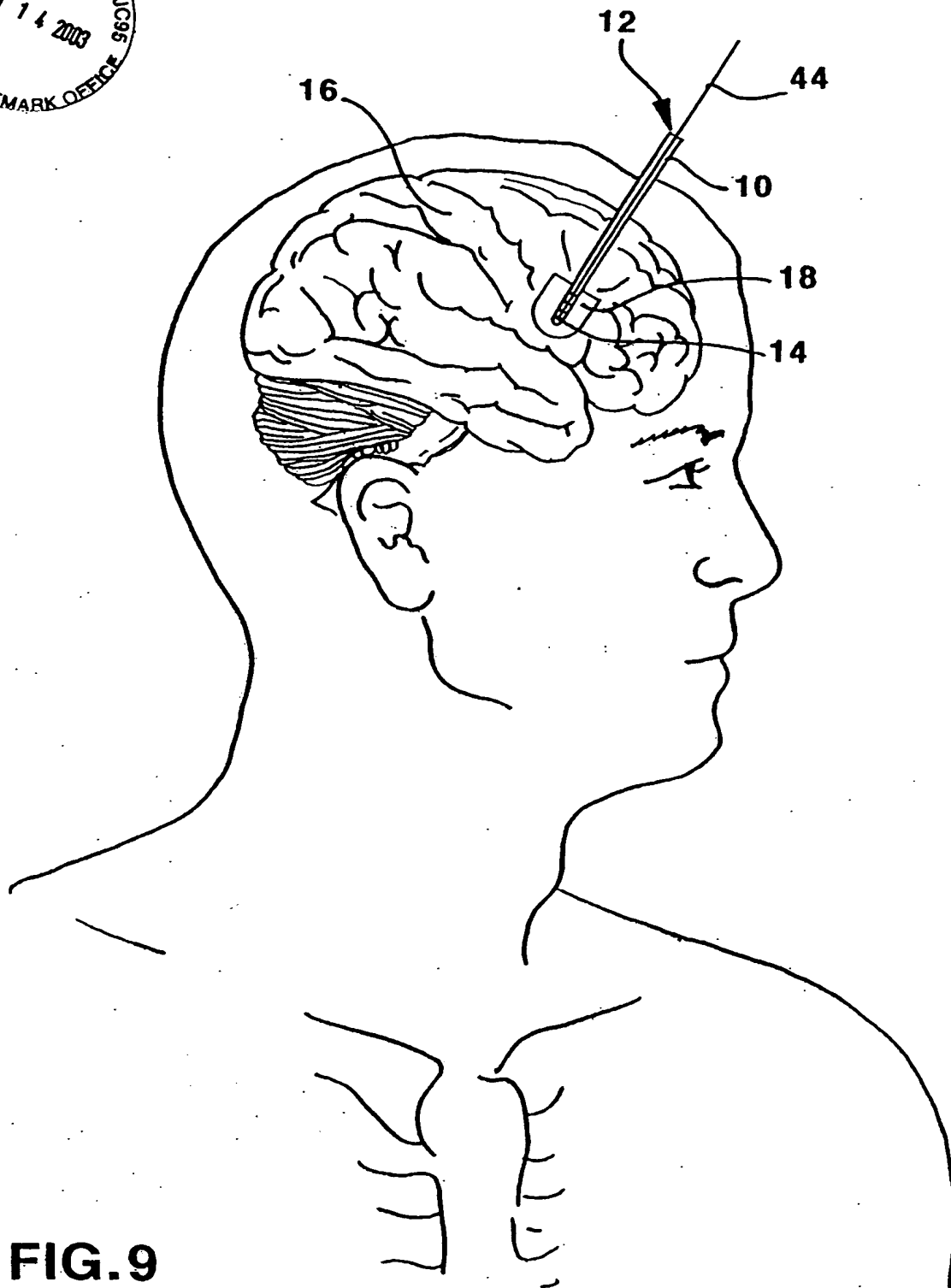


FIG. 9



The "received" stamp of the U.S. Patent and Trademark Office on this card acknowledges the filing on the date stamped of:

Transmittal Letter; Formal Drawings; and Return Receipt Postcard.

Applicant: Dennis D. Elsberry

Application No.: 09/872,698

Filing Date: June 1, 2001

Due Date: March 3, 2003

Atty Docket No.: P-3226.04 US

Initials: SWB:tdb

Mailed: February 6, 2003 via first class mail

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this card acknowledges the filing on the date stamped of:

Transmittal Letter; Formal Drawings; and Return Receipt
Postcard.

Applicant: Dennis D. Elsberry
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APR 08 2003

Medtronic Inc
710 Medtronic Parkway NE
MS : LC340
Minneapolis MN 55432-5604

COPY

Dear Applicant:

The Box PGPub replacement drawings for application number 09/872,698 received on 2/11/03 by the U. S. Patent and Trademark Office will be included in the application file but **will not** be included for patent publication due to the following reason(s):

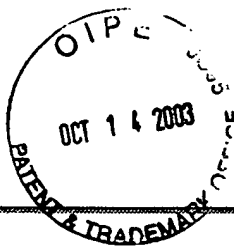
- 1) ☐ Non compliance:
- ☐ Drawing(s) and/or Figure(s) Missing
 - ☐ Deficiencies in Drawings:
 - ☐ Improper paper size – must be either A4 (21cm x 29.7cm) or 8-1/2" x 11"
 - ☐ Improper margins (each drawing sheet must include a top margin of at least 1 inch, a left side margin of at least 1 inch, a right side margin of at least 5/8 inch, and a bottom margin of at least 3/8 inch)
 - ☐ Not reproducible:
 - ☐ Paper too thin
 - ☐ Glossy pages
 - ☐ Non-white background
 - ☐ Drawing Objection(s)
 - ☐ Missing lead lines, drawing(s) _____
 - ☐ Line quality is too light, drawings(s) _____
 - ☐ More than 1 drawing and not numbered correctly
 - ☐ Non-English text, drawing(s) _____

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LAW DEPARTMENT
MEDTRONIC, INC.

Exhibit - C



- ☐ Excessive text, drawing(s) _____
- ☐ Photographs capable of illustration, drawing(s) _____
- ☐ Photographs may not be mounted (must be developed on a sheet of paper meeting the paper size requirement). 37 CFR 1.85(e)

2) ☐ Submission Did Not Meet Fee Requirements

- ☐ No Fee
- ☐ Insufficient fee by check
- ☐ Insufficient funds in deposit account
- ☐ Declined credit card
- ☐ Non authorization for charge to deposit account

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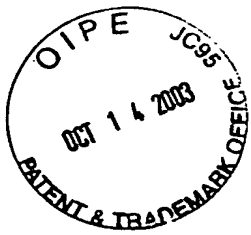
3) ☒ Untimely Submission

If you desire to have replacement drawings included for patent publication, you must submit new drawings, a petition, the petition fee of \$130 and a transmittal letter. The new submission must be submitted to the U. S. Patent and Trademark Office **within the later of one month from the filing date of the application, or fourteen months from the earliest filing date for which a benefit is sought under title 35, United States Code.**

Telephone inquiries should be directed to Customer Service, Office of Initial Patent Examination, at 703-308-1202.



Signature of Reviewer, Office of Initial Patent Examination



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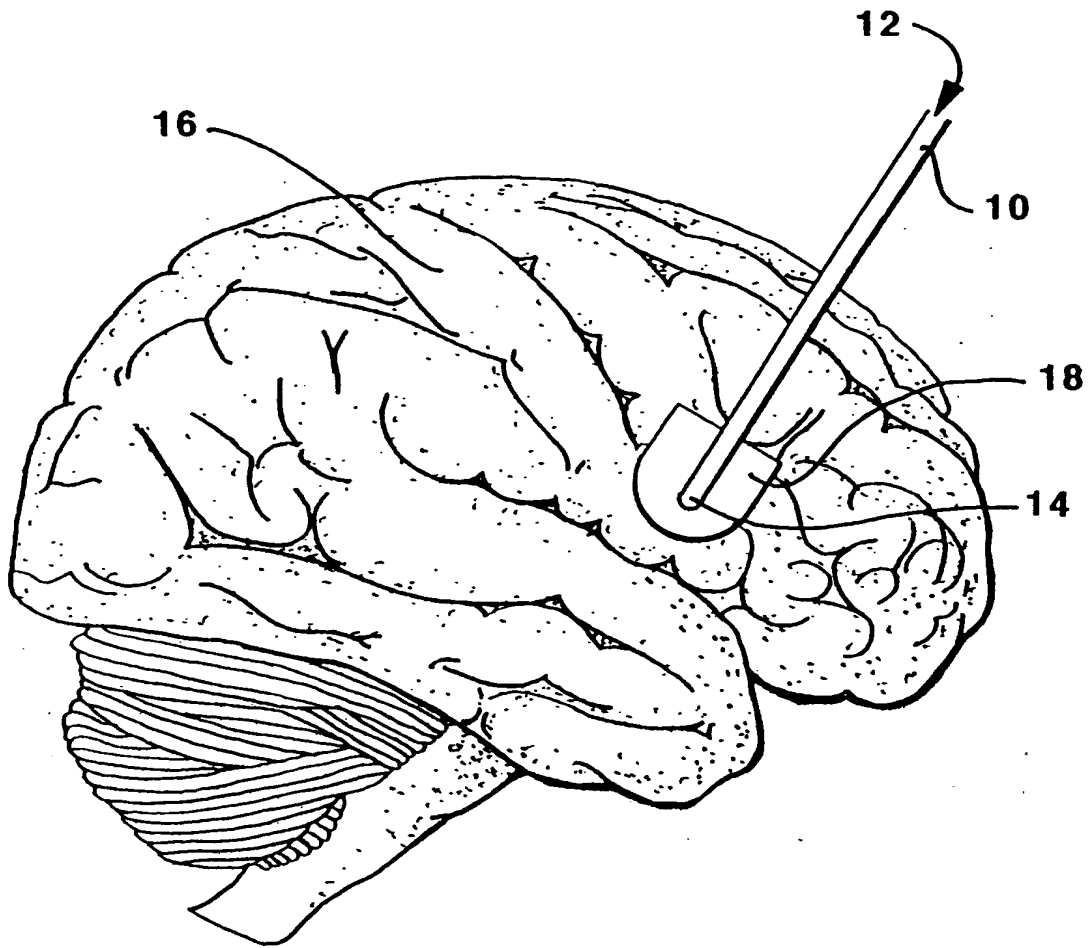


FIG.1

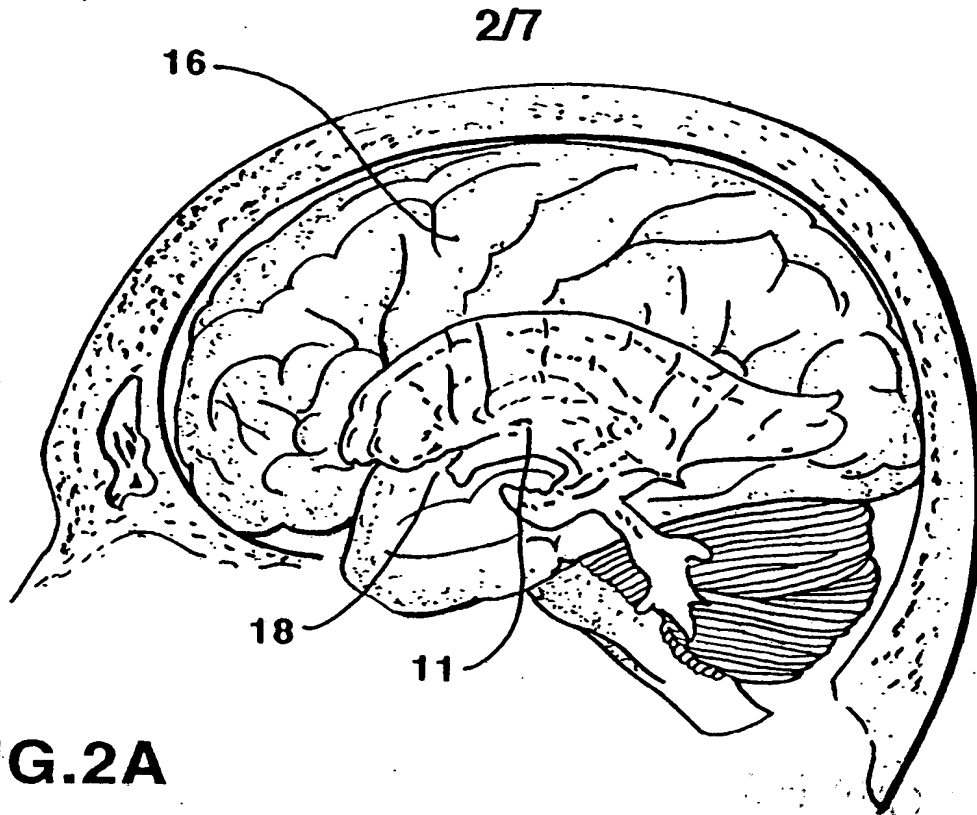


FIG. 2A

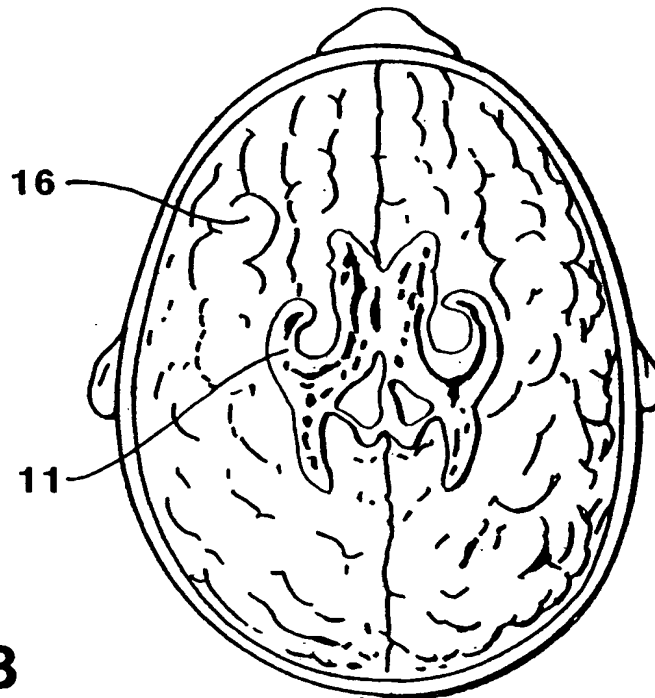


FIG. 2B

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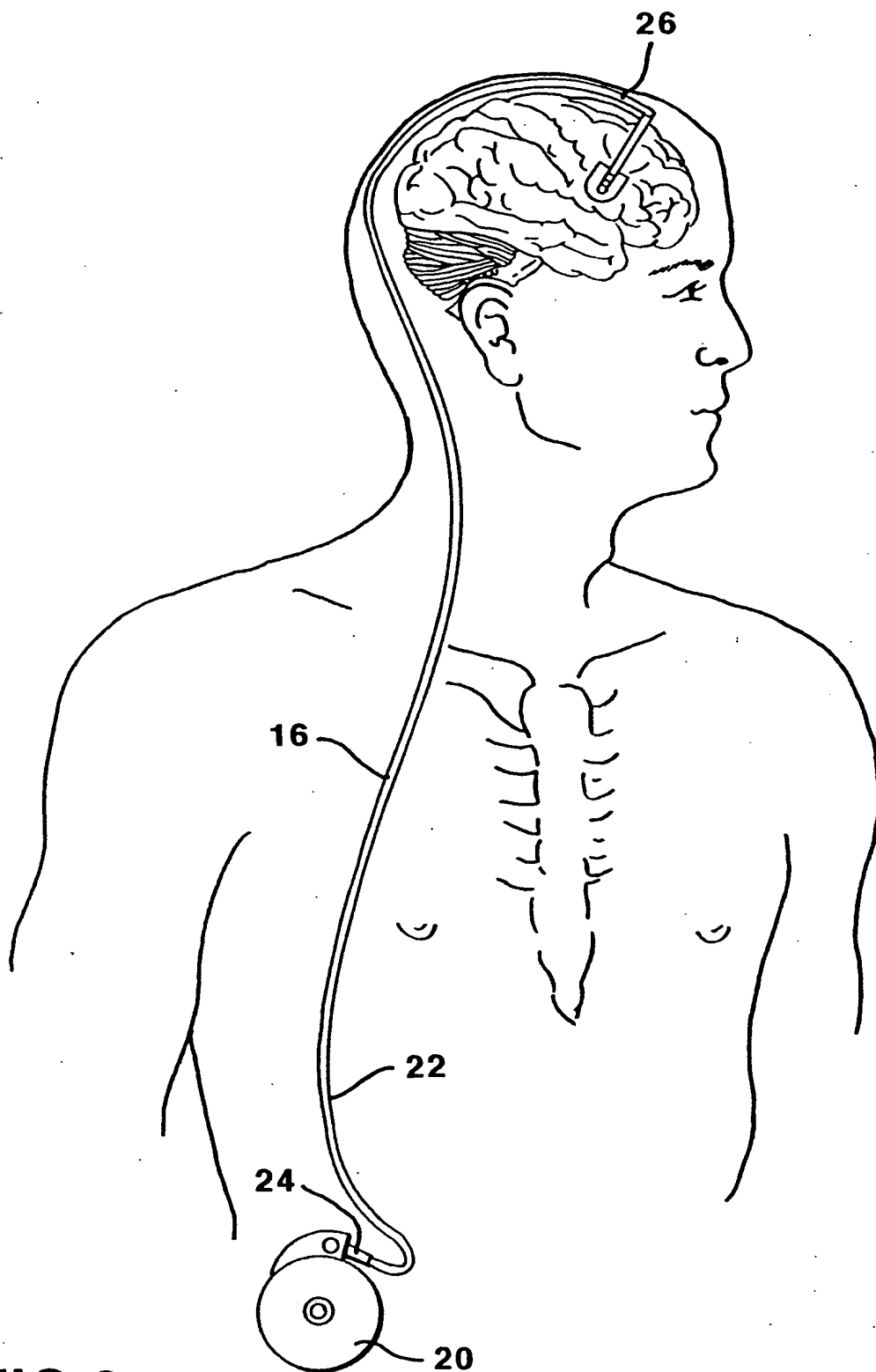
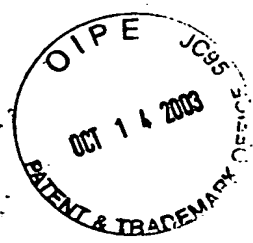


FIG.3



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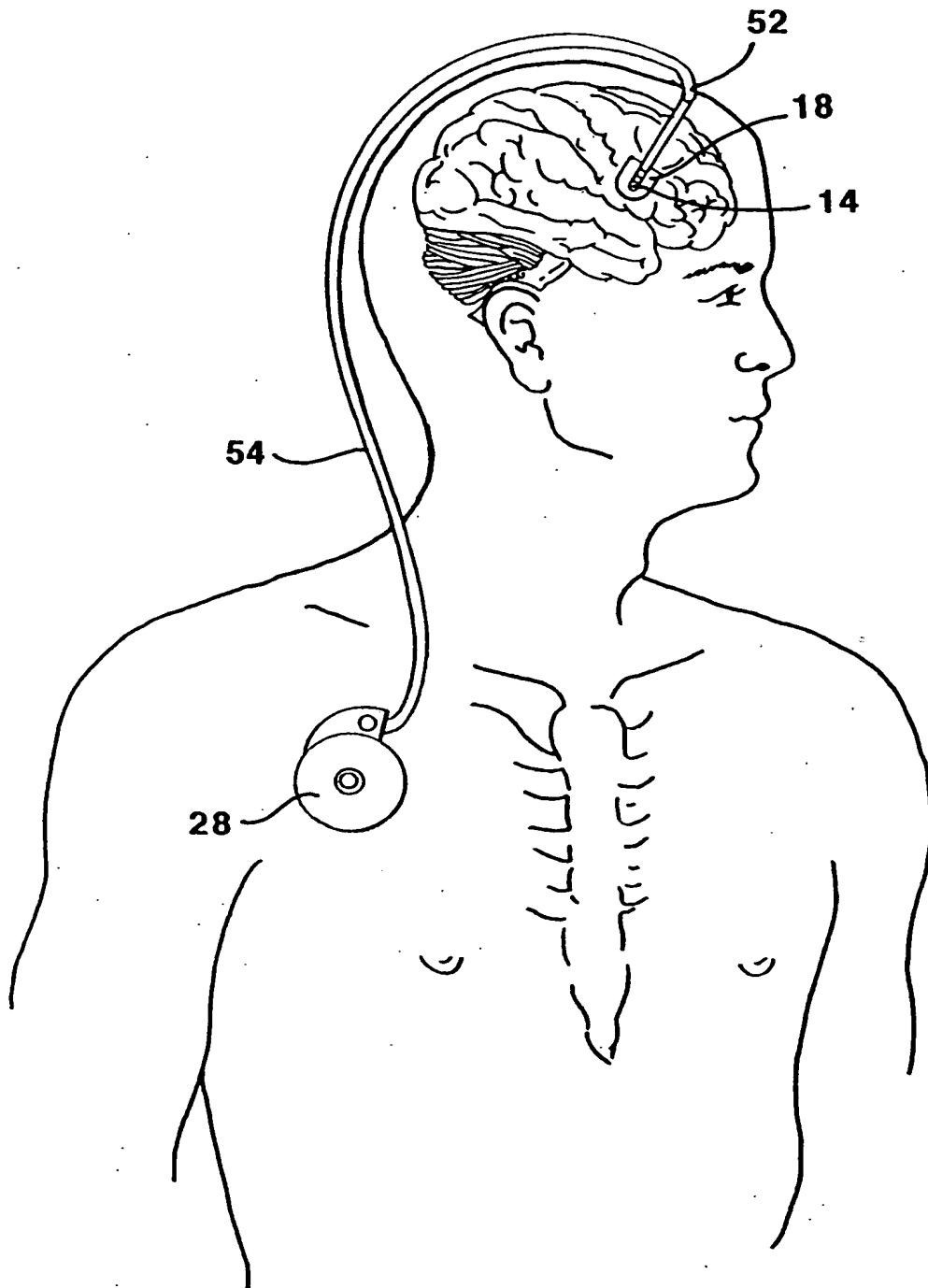


FIG.4

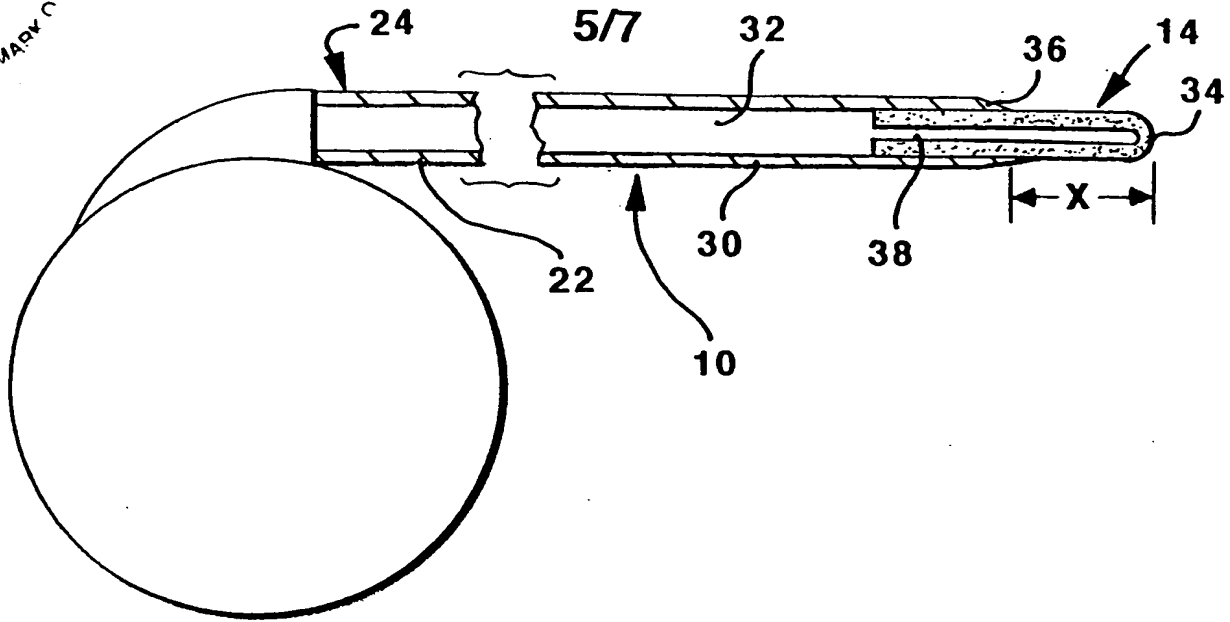
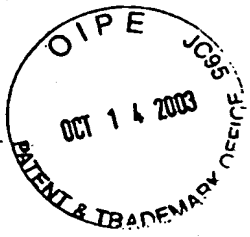


FIG. 5

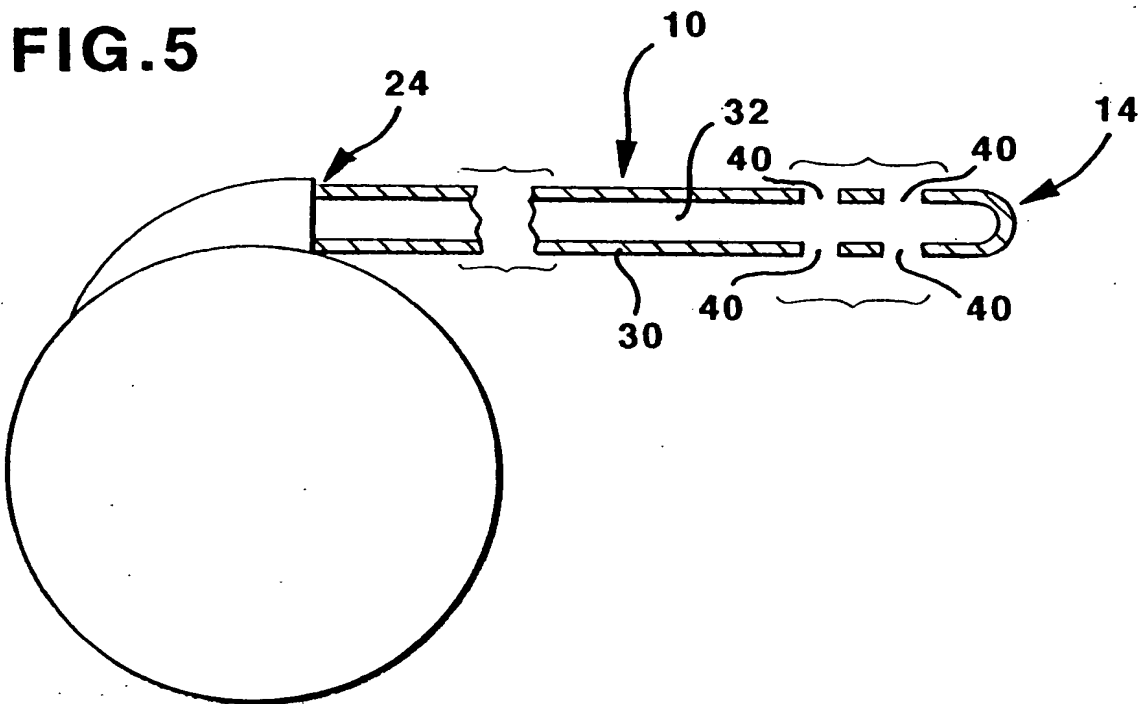


FIG. 6

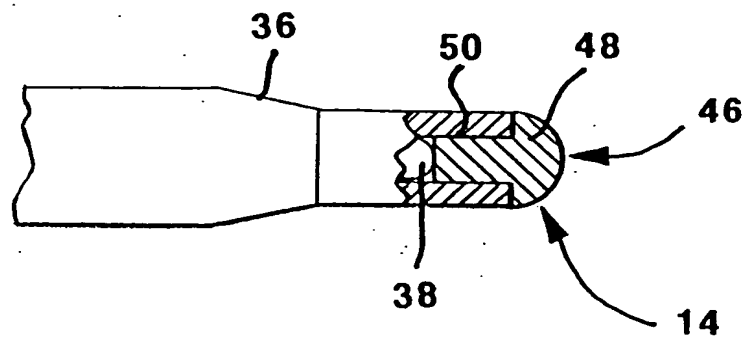
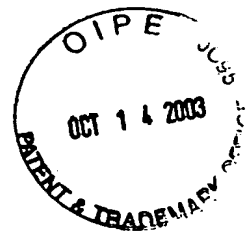


FIG. 7



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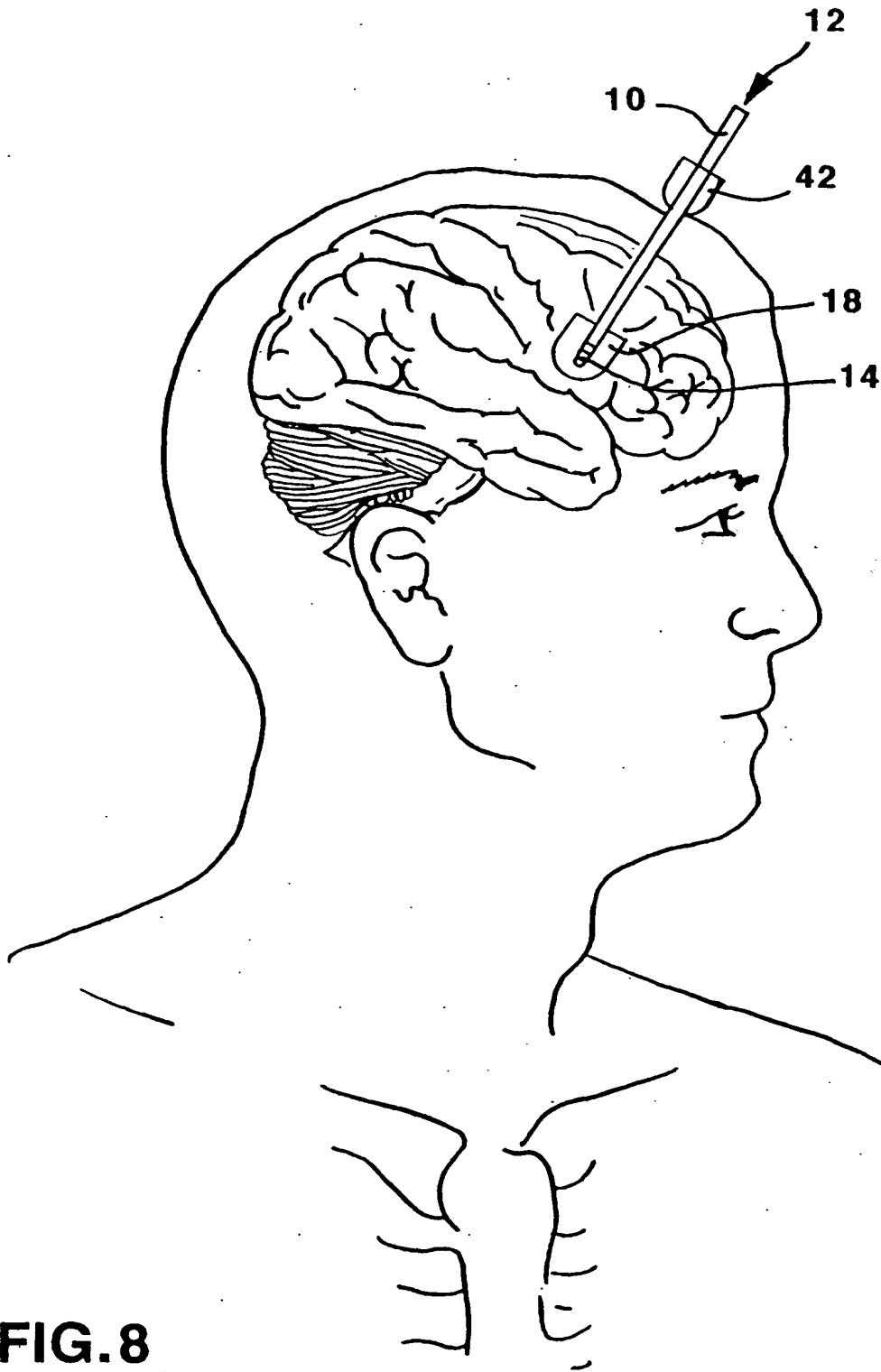


FIG. 8



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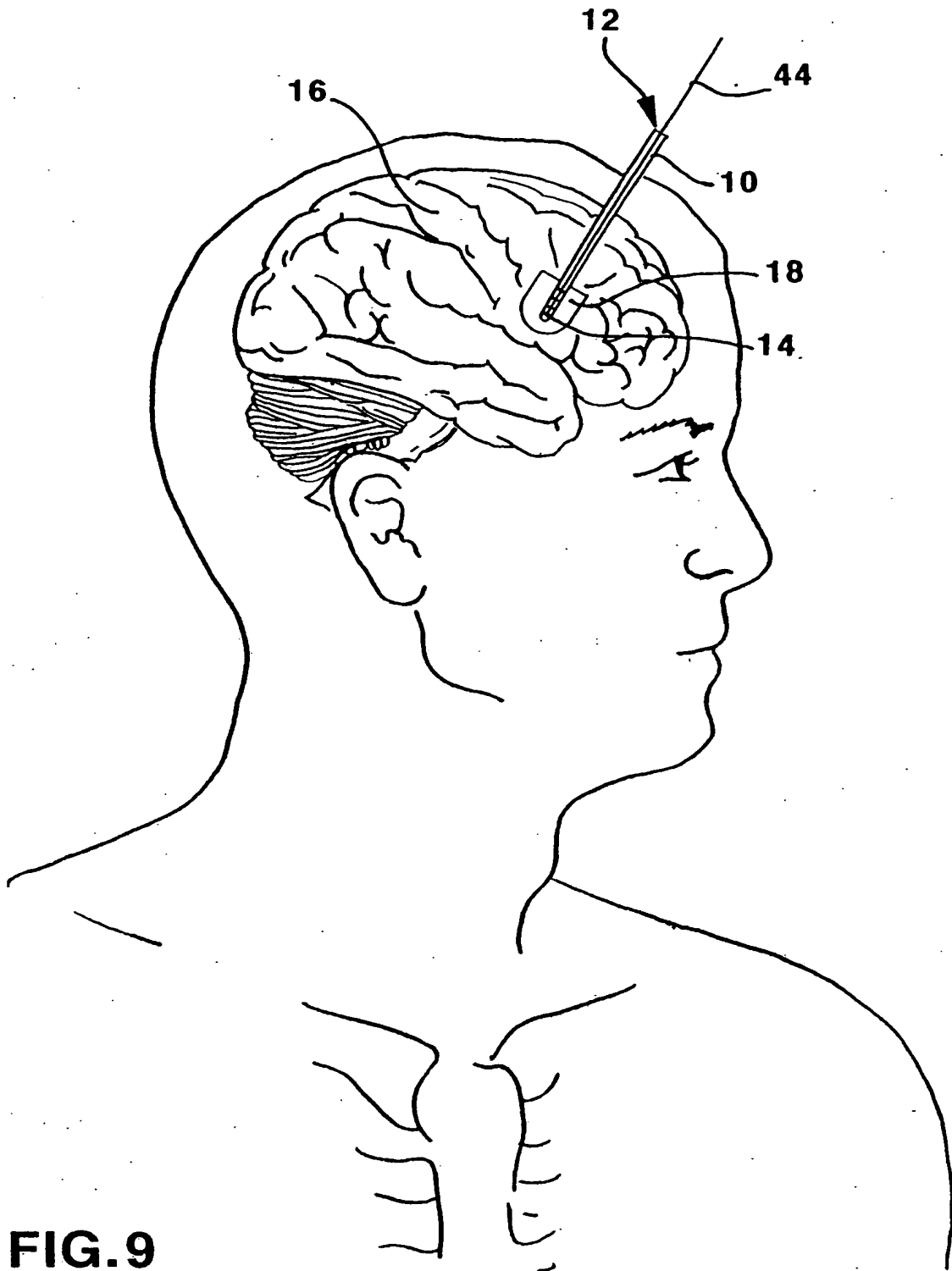


FIG. 9